

### **Remarks**

The present Amendment is made in response to the Office Action dated December 14, 2005, and identified as Paper No. 12092005. Claims 1-17 are pending.

In the Action, the Examiner rejected claims 1-2 and 5 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,876,471 to Lippert ("*Lippert*"). Claims 3-4 and 6 were rejected under 35 U.S.C. § 103 as obvious over *Lippert* in view of U.S. Patent Publication No. 2002/0158002 to Trotzki ("*Trotzki*"). Claim 7 was rejected under 35 U.S.C. § 103 as obvious over *Lippert* in view of U.S. Patent No. 5,833,848 to Tominari ("*Tominari*"). Claims 10-14 were rejected under 35 U.S.C. § 103 as obvious over *Lippert* in view of *Tominari* in further view of *Trotzki*. Claim 8 was rejected under 35 U.S.C. § 103 as obvious over *Lippert* in view of *Tominari* in further view of U.S. Patent No. 6,221,266 to Wilkie ("*Wilkie*"). Claim 9 was rejected under 35 U.S.C. § 103 as obvious over *Lippert* in view of *Tominari* and *Wilkie* in further view of U.S. Patent No. 2,278,148 to Monsarrat ("*Monsarrat*"). Claims 15-16 were rejected under 35 U.S.C. § 103 as obvious over *Lippert* in view of *Tominari* in further view of U.S. Patent No. 1,873,594 to Johnson ("*Johnson*"). Claim 17 was rejected under 35 U.S.C. § 103 as obvious over *Lippert* in view of *Tominari* in further view of U.S. Patent No. 5,152,815 to Zievers ("*Zievers*"). Copies of the cited references are enclosed for your review.

**I. *Lippert* does not disclose each and every limitation of claim 1 as required for a rejection under 35 U.S.C. § 102**

A rejection under 35 U.S.C. § 102 requires that the reference cited against the pending application include each and every limitation recited in the claims. MPEP § 2131 ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference"). Although the primary reference identified by the Examiner, *Lippert*, depicts some of the general structure of the claimed invention, the

reference does not disclose each and every limitation of the claimed invention. Accordingly, Applicant respectfully requests that the rejections in view of *Lippert* be withdrawn.

The invention recited in claim 1 now calls for a “rack that is slidingly engaged with said compartment and adapted for movement in a substantially horizontal plane into and out of said compartment.” This particular positioning of the rack within the chamber is fully supported by the description of the invention in paragraph [0022] of the specification, and illustrated in Figs. 1 and 2 of the drawings. The prior art cited by the Examiner fails to disclose a rack that is slidingly engaged with the compartment for movement into and out of the compartment. In particular, *Lippert* discloses a rack that is fixedly suspended within the compartment, and must be lifted vertically out of the filtration vessel after all of the candle housings have been removed. It should be noted that *Lippert* is an *air* filtration vessel, not an *oil* filtration vessel as clearly required by the claims of the present application. In any event, the claimed invention allows the rack to be slid out of the compartment along a substantially horizontal plane, thereby permitting easy access to the removable candle housings.

**II. The various combinations of references proposed by the Examiner are improper and otherwise fail to disclose each and every limitation of the claims 2-6 as required for a rejection under 35 U.S.C. § 102**

As explained above, *Lippert* fails to disclose a “rack that is slidingly engaged with said compartment and adapted for movement into and out of said compartment.” Accordingly, the various combinations of prior proposed by the Examiner fail to disclose each and every limitation of the claims. As a result, the Examiner has not presented a *prima facie* case of obviousness and the rejections should be withdrawn. MPEP § 2143.03 (“To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art”). In addition, many of the combinations proposed by the Examiner are improper as

failing to include a sufficient motivation or suggestion to make the combination proposed by the Examiner. MPEP 2143.01 (“Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art”).

With regard to claims 3-4 and 6, the Examiner has proposed modifying *Lippert* to include a mounting plate that defines a chamber above the mounting plate according to *Trotzki*. While the Examiner states that modifying *Lippert* according to *Trotzki* would divide the compartment into different chambers, the Examiner failed to provide any indication why one of ordinary skill in the art would be motivated to divide the compartment into different chambers. Accordingly, the Examiner failed to present a *prima facie* case of obviousness with regard to claim 3.

With regard to claims 4 and 6, the Examiner did not present any reason or motivation why one would incorporate the features purportedly shown in *Trotzki* into *Lippert*. Accordingly, the Examiner failed to present a *prima facie* case of obviousness with regard to claims 4 and 6.

**III. The various combinations of references proposed by the Examiner are improper and otherwise fail to disclose each and every limitation of the claims 7-17 as required for a rejection under 35 U.S.C. § 102**

With regard to claim 7, the Examiner’s proposed modification of *Lippert* according to *Tominari* does not form every limitation of the invention recited in claim 7 and is not supported by an acceptable motivation under 35 U.S.C. § 103.

*Lippert* discloses a tube for fixedly suspending a rack within a filtration housing. According to the Examiner, *Lippert* also discloses an outlet pipe (46). The structure relied on by the Examiner as comprising an outlet pipe (reference numeral 46) is actually an *inlet tube* for supplying a back pulse of gas to clean the candle filters. *Lippert*, col. 2, lines 33-37. Thus, even

if the proposed combination is proper, it fails to disclose the claim element calling for “*an outlet pipe interconnected to said female connector for removing clean oil.*” Indeed, *Lippert* is an air filtration vessel and thus utterly fails to disclose an outlet pipe for removing clean oil and certainly does not disclose an outlet pipe attached to a female connector of the frame (which is in turn connected to a male connector on a filter rack. Even the air filtration vessel of *Lippert* could be considered analogous to the claimed invention, the structure in *Lippert* for removing clean product is just an exit opening or nozzle (36). *Lippert*, col. 2, lines 23-27.

*Tominari* discloses a male connector for attaching to the upstream end of a single filter and a female connector for connecting to the opposing, downstream end of the single filter. According to the Examiner, one of ordinary skill in the art would modify *Lippert* to make the claimed invention according to *Tominari* because male and female connectors are a known method of coupling. Even if this knowledge was sufficient to motivate the use of male and female connectors in *Lippert*, *Tominari* teaches that a filter may be interconnected in line with a pipe by providing a male connector at the upstream end and a female connector at the downstream end. Thus, modifying *Lippert* according to *Tominari* would simply result in attaching a filter to the rack with corresponding male and female connectors. In order to form the claimed invention from *Lippert*, however, *Tominari* must actually motivate (1) adding a male connector to the rack, (2) placing a female connector in the housing, and (3) connecting an outlet pipe to the female connector. *Tominari* lacks any teaching along these lines. As *Lippert* fails to disclose any connection between the rack and the outlet nozzle 36, there is no way the *Lippert* could be modified according to *Tominari* to include all of the elements of the present invention.

With regard to claim 8 and 9, *Wilke* does not disclose an air purge line interconnected to said inlet pipe. Instead, the air purge line of *Wilke* is connected to the clean filter housing (12-

15). With regard to claim 9, Montsarrat does not disclose a door that encloses the compartment where the rack is positioned.

With regard to claim 10, *Trotzki* does not motivate threadably engaging filter elements to the mounting plate of *Lippert*. Instead, *Trotzki* discloses that the filter elements are slidingly engaged with a bore plate in the separating plate 5 (which is the structure analogous to the mounting plate 52 of *Lippert*) and biased by a spring 21 for movement relative to mounting plate. See Paragraph [0031] and [0036]. As *Trotzki* teaches that the filter elements must move relative to the mounting plate, the reference actually teaches away from the invention recited in claim 10.

With regard to claim 11, the candle housing of *Trotzki* does not define a chamber that is in fluid communication with said filter elements. The mounting plate (5) defines the chamber (7) identified by the Examiner, not the candle housing disk 40 (which does not define any chamber).

With regard to claim 12, the candle housing of *Trotzki* does not define a chamber that is interconnected to and in fluid communication with said tubular rack. The mounting plate (5) defines the chamber (7) identified by the Examiner, not the candle housing disk 40 (which does not define any chamber).

With regard to claim 14, the core of the filter of *Trotzki* is threadably engaged to disk (40), not the mounting plate (5).

With regard to claim 15 and 16, the header of Johnson does not distribute oil around the compartment as recited in the claim, as it instead distributes oil directly to the filter elements.

With regard to claim 17, *Zievers* discloses a tiered *air* filter comprised of one or more sections (10a, 10b, and 10c) that are connected together. These sections are not individual compartments and instead constitute a single, enclosed cavity. The horizontal lines seen in Fig. 1

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of *Zievers* are simply the flanges for attached sections to each other. The fact that the tiered filter does not have separate compartments is concretely established by the fact that there is only one inlet port 14 for all of the sections, and only one dust outlet 16 for all of the sections. Thus, the multiple sections must be fluidly connected or the filter would not operate.

In view of the foregoing amendments as supported by these remarks and accompanying documents, the Examiner's reconsideration and allowance of the present application is respectfully requested. If the Examiner believes that a telephone conference will expedite handling of the present application, please contact the undersigned at (315)218-8515.

Respectfully submitted,

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